

# Notice of Allowability

Application No.

10/612,252

Examiner

Brian R. Gordon

Applicant(s)

CRONENBERG, RICHARD A.

Art Unit

1743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to ~~7-03~~ a telephone communication held on 4/26/05
2. ☒ The allowed claim(s) is/are 22-23.
3. ☒ The drawings filed on 7-1-03 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 10-10-03; 10-7-03
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Frank Gasparo on April 26, 2005.

The application has been amended as follows:

In the specification:

Please amend the paragraph beginning at page 1, line 4 as follows:

This application is a division of US Patent Application-No. 6,749,812 ~~09/873,842~~ filed June 4, 2001, which claims priority from U.S. provisional patent application serial number 60/214,206 filed June 26, 2000.

On page 9 line 27 insert the application number -09/873,522—in the blank space.

On page 10, line 23; amend the sentence to read -A sensor/detector 102 is also provided--

In the claims

Please amend the claims as indicated below.

22. In a pipette, a mechanism for detecting the type of pipette tip being mounted to a pipette nozzle of said pipette including:

a sleeve mechanism surrounding said nozzle, at least one of said sleeve mechanism and said nozzle being mounted to be selectively retracted when in contact with a tip as a tip is pressed on said nozzle to be mounted thereto, each tip type having a different base configuration which results in a difference in the relative displacement of the nozzle to the sleeve mechanism, and a mechanism for detecting such difference in relative displacement, and a mechanism for correlating said detected difference to a tip type to thus identify tip type.

23. A mechanism as claimed in claim 22 wherein said sleeve has a selected stroke, and wherein said mechanism for detecting includes a sensor generating an output when the sleeve is retracted for its selected stroke and a detector for nozzle retraction, wherein said detector outputs a signal indicative of tip type when said sensor generates an output, ~~being indicative of tip type.~~

***Allowable Subject Matter***

2. Claims 22-23 are allowed.

The following is an examiner's statement of reasons for allowance: the prior art does not teach nor fairly suggest a mechanism for detecting the type of pipette tip being mounted to a pipette nozzle of said pipette including:

a sleeve mechanism surrounding said nozzle, at least one of said sleeve mechanism and said nozzle being mounted to be selectively retracted when in contact with a tip as a tip is pressed on said nozzle to be mounted thereto, each tip type having a different base configuration which results in a difference in the relative displacement

Art Unit: 1743

of the nozzle to the sleeve mechanism, a mechanism for detecting such difference in relative displacement, and a mechanism for correlating said detected difference to a tip type.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Toi, Hiroatsu et al.; Rainin, Kenneth et al.; Suovaniemi, Osmo et al.; Braun, Ralf et al.; Elrod; Scott A. et al.; Rainin; Kenneth et al.; Rainin; Kenneth et al.; and Magnussen, Jr.; and Haakon T. et al. disclose different pipette systems.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian R. Gordon whose telephone number is 571-272-1258. The examiner can normally be reached on M-F, with 2nd and 4th F off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1743

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

brg

  
Jill Warden  
Supervisory Patent Examiner  
Technology Center 1700